IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 131 OF 1989

Dattatraya Yeshwant Pradhan .. Petitioner

Vs.

1. Vasudeo Kashinath Pradhan and Ors. .. Respondents

Mr. B.K. Raje h/f Mr. G.B. Terdalkar for Petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : October 05, 2005.

P.C.:

1. The learned counsel for the petitioner states that he has no further instructions. It is alleged that the undertaking filed by the original defendants at Exh.35 in Misc. Civil Appeal No.47 of 1988 was false and the statements made therein were misleading. The defendants thus obtained favourable orders from the trial court as well as the District Court. The report of the Commissioner dated 5/8/1988 has also been relied upon to suggest that there was no progress in construction nor was there any building material on site. This act of making wrong and misleading statements deliberately and wilfully so as to obtain

favourable orders from the trial court and the Lower Appellate Court is contempt of courts as per the petitioner.

2. The farad sheet shows that notice before admission was made returnable on 26/7/1989 by the order dated 12/7/1989 passed by this court but this contempt petition was not admitted. Respondent Nos.3 and 4 could not be served even on the notice. No further steps have been taken by the petitioner so s to persuade this court to take cognizance of the alleged contempt.

3. Hence the contempt petition is dismissed for non prosecution.

(B.H. Marlapalle,J.)